#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Jenuwein et al.

Appl. No.: 10/773,302

Filed: February 9, 2004

For: Chromatin Regulator Genes

Confirmation No.: 8734

Art Unit:

1651

Examiner:

To Be Assigned

Atty. Docket: 0652.1670002/JUK/JCI

#### Information Disclosure Statement Under 37 C.F.R. § 1.97(b)

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

NOV 2 3 2004

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are not submitted in accordance with 1276 OG 55 because this application was filed after June 30, 2003. Copies of documents AL1 to AL2 and AR1 to AR66 are provided.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language document AM1 cited on Form PTO 1449:

Document AM1, DE 195 16 776, is in the German language. An English language abstract of document AM1 is attached as document AT65.

The Examiner's attention is directed to the following co-pending applications which are directed to related technical subject matter:

- U.S. Application No. 09/500,991, Uhlmann *et al.*, filed February 15, 2000, now pending, and submitted herewith as document AR65;
- U.S. Application No. 09/876,224, Jenuwein et al., filed June 8, 2001, now published as U.S. Patent Application Publication No. 2002/0039776 A1, and listed as document AD1;
- U.S. Application No. 10/051,311, Peters *et al.*, filed January 22, 2002, now published as U.S. Patent Application Publication No. 2002/0164620 A1, and listed as document AE1;
- U.S. Application No. 10/302,904, Jenuwein *et al.*, filed November 25, 2002, now published as U.S. Patent Application Publication No. 2003/0104599 A1, and listed as document AG1;
- U.S. Application No. 10/323,968, Jenuwein *et al.*, filed December 20, 2002, now published as U.S. Patent Application Publication No. 2003/0157532 A1, and listed as document AH1.

The identification of these U.S. Patent Applications is not to be construed as a waiver if secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Applicants would like to bring to the Examiner's attention document AT59, Wreggett, K.A. et al., for which Applicants were unable to determine the month of

publication. Applicants would also like to bring to the Examiner's attention document AT27, Jolley, M.E., for which Applicants were unable to determine the exact month of publication.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Growth U. Din

Judith U. Kim Attorney for Applicants Registration No. 40,679

Date: November 23, 2004

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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		Page 1 of 66
ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302	
FIRST NAMED INVENTOR Jenuwein et al.		
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## FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT

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FORM PTO-1449	FIRST NAMED INVENTOR		
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FORM PTO-1449	FIRST NAMED INVENTOR		
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FORM PTO-1449	FIRST NAMED INVENTOR Jenuwein et al.	
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
FORM PTO-1449	FIRST NAMED INVENTOR	-
	Jenuwein et al.	
INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
	February 9, 2004	1651

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	AS	11	topoisome	et al., "Meiotic e rase IIα localiza scember 1999)	vents at the centromeric he tion and chromosome cond	terochroma lensation,"	atin: his	tone H3 phosph osoma 108:412	norylation, -425, Springer-
	AT	11	dependent	degradation of	phase initiation in <i>Sacchard</i> the anaphase inhibitor Pds (December 1996)	omyces cer 1p," Gene	revisiae s & Dev	is controlled by 10:3081-3093	the APC- , Cold Spring
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FORM PTO-1449	FIRST NAMED INVENTOR		
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT	
	February 9, 2004	1651	

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	AR	12	Cortez, D Publishing	. and Elledge, S g Group (July 20	S.J., "Conducting the mitot 200)	tic symphony," <i>Natu</i>	re 406:354-356,	Nature
	AS	12	Csink, A. organizati	and Henikoff, S on in <i>Drosophil</i> a	., "Genetic modification of a," <i>Nature 381</i> :529-531, N	f heterochromatic as Nature Publishing Gr	sociation and nuo	uclear )
	АТ	12	inner cent	A., et al., "Defection of the comere protein Press (July 199	tive chromosome segrega gene ( <i>Incenp</i> )-disrupted r 99)	ation, microtubule bunice," <i>Hum. Mol. Ge</i>	undling and nucl enet. 8:1145-115	ear bridging in 5, Oxford
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FORM PTO-1449	FIRST NAMED INVENTOR		
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	AS	13	polytene ch	, M., et al., "The nromosome-bind Press (1992)	polyhomeotic gene of Drosopl ing sites with Polycomb," Gen	hila enco es & Dev	odes a chromatin p v. 6:223-232, Cold	rotein that shares Spring Harbor
	АТ	13	Dernburg, a	A.F., <i>et al.</i> , "Pert s," <i>Cell 85</i> :745-7	urbation of Nuclear Architectu 59, Cell Press (May 1996)	re by Lor	ng-Distance Chron	nosome
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
FORM PTO-1449	FIRST NAMED INVENTOR	
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
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	AS	14	De Ruberti yeast," <i>Nat</i>	s, F. <i>et al.</i> , "The ure 384:589-59	e histone deacetylase RP 11, Nature Publishing Gro	D3 counter oup (Decem	acts geno ber 1996	omic silencing in )	n <i>Drosophila</i> and
	АТ	14	de Vries, S male and fe 1999)	.S., et al., "Mou emale meiosis,"	ise MutS-like protein Msh ' Genes & Dev. 13:523-53	n5 is require 31, Cold Sp	ed for prop pring Hart	per chromosom por Laboratory F	e synapsis in Press (March
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		Page 15 of 66
	ATTY, DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
FORM PTO-1449	FIRST NAMED INVENTOR	
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
	February 9, 2004	1651

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	AS	15	Dougherty Virology 1	y, W., et al., "N 771:356-364, A	Nolecular Genetic Analysis Academic Press (1989)	of a Plant Virus Pol	yprotein Cleava	ge Site: A Model,"
	АТ	15	phosphat	e Dehydrogen	loning and Sequencing of ase Messenger Ribonucle n Chemical Society (1983)	ic Acid Isolated from	Acid Copy of Gly Chicken Muscl	yceraldehyde-3- e," <i>Biochemistry</i>
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	AS	of t	he chromo domain	ations in the fission yeast s protein Swi6p and impair Limited (November 1996)	centromere function,"	and <i>rik1</i> + disrup J. Cell Sci. 109:	ot the localisation 2637-2648, The
	AT	16 Ekv	vall, K., et al., "Trai print at Fission Yea	nsient Inhibition of Histone st Centromeres," Cell 91:1	Deacetylation Alters 021-1032, Cell Press	the Structural an (December 199	d Functional 7)
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FORM PTO-1449	FIRST NAMED INVENTOR	
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	AR	17	Elbashir, S.I mammalian	M., et al., "Duple: cells," Nature 41	xes of 21-nucleotide RNAs me 11:494-498, Nature Publishing	diate RNA ir Company (N	iterference in cu lay 2001)	ltured
	AS	<u>17</u>	Epstein, C.B Genes & De	s., and Cross, F.F v. 6:1695-1706,	R. "CLB5: a novel B cyclin from Cold Spring Harbor Laboratory	n budding ye y Press (199	ast with a role in 2)	ı S phase,"
	АТ	<u>17</u>	Faleiro, L., e apoptotic cel	<i>t al.</i> , "Multiple sp lls," <i>EMBO J</i> . 16	pecies of CPP32 and Mch2 are 2271-2281, Oxford University	the major a Press (May	ctive caspases <sub>I</sub> 1997)	present in
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ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302	
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	AR	18	Foon, K.A.	, and Gale, R.F y, Handin, R.I.	P. "Chronic Lymphoid Leuk , et al., eds., J.B. Lippincott	emias " in: Blood: F	Principles and Princi	ractice of 83–811
	AS	<u>18</u>	Friedman, Cancer Re	L.S., et al., "Th search (Decem	e Search for <i>BRCA1</i> ," <i>Can</i> aber 1994)	ocer Res. 54:6374-6	382, American	Association for
	АТ	<u>18</u>	Friedman, of Mutatior 1995)	L.S., <i>et al.</i> , "22 ns in Breast Car	Genes from Chromosome ncer Families and Tumors,	17q21: Cloning, Se " <i>Genomi</i> cs 25:256	equencing, and -263, Academic	Characterization Press (January
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FORM PTO-1449	FIRST NAMED INVENTOR	
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
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	AR	<u>19</u>	Funabiki, 381:438-	H., <i>et al</i> ., "Cut 441, Nature Pu	2 proteolysis required for sublishing Company (May 1	sister-chromatid sep 996)	aration in fission	yeast," <i>Nature</i>
	AS	19	Garzino, variegatio	V., et al., "Cell on in <i>Drosophil</i>	lineage-specific expressio a," EMBO J. 11:4471-4479	on of <i>modulo</i> , a dose 9, Oxford University	-dependent mod Press (1992)	difier of
	AT	19	encoded	protein: Trans-	say for trans-activation usi -activation requires mRNA ciences (1989)	ng purified human ir synthesis," <i>Proc. N</i>	nmunodeficienc atl. Acad. Sci. U	y virus <i>tat-</i> SA 86:821-824,
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	0652.1670002/JUK/JCI	10/773,302	
FORM PTO-1449	FIRST NAMED INVENTOR		
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	AR	20	Geraghty, 16:440-440	M.T., et al., "Th 6, Academic Pi	he Isolation of cDNAs from ress, Inc. (1993)	OATL1 at Xp11.2 U	Jsing a 480-kb \	YAC," Genomics
	AS	<u>20</u>	Intramoleci	ch, A.A. and Kh ular fluorescen cience B.V. (De	nolodovych, V.V., "Fluoroge ce energy transfer (IFETS), ecember 1996)	enic substrates for p	oroteases based hys. Methods 3	l on 3:135-162,
	АТ	<u>20</u>	Gibbons, R Retardation	t.J., <i>et al.</i> , "Mut n with α-Thalas	tations in a Putative Global ssemia (ATR-X Syndrome),	Transcriptional Req " Cell 80:837-845, (	gulator Cause X Cell Press (Mare	-Linked Mental ch 1995)
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	ATTY, DOCKET NO.	APPLICATION NO.	
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FORM PTO-1449	FIRST NAMED INVENTOR		_
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	AR	21	Gietz, R.D. mutagenize Publishers	d yeast genes la	"New yeast-Escherichia coli sh cking six-base pair restriction	nuttle vectors sites," <i>Gene</i>	constructed wit 74:527-534, Els	h in vitro evier Science
	AS	<u>21</u>	ubiquitinate	substrates of the	G-H2 finger protein APC11 an e anaphase-promoting comple es (August 2000)			
	АТ	<u>21</u>	Gray, N.M., Derived fro	et al., "Discover m Penicillin," <i>Ana</i>	y and Analysis of a Series of C al. Biochem. 216:89-96, Acade	C₂-Symmetric mic Press (J	HIV-1 Proteina anuary 1994)	se Inhibitors
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
FORM PTO-1449	FIRST NAMED INVENTOR	
	Jenuwein et al.	
INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
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	AS	22	Preferentia	., et al., "Sex ally Segregate ress (Novemb	Ratio in Normal and Dis s with Y Chromosome," per 1996)	omic Sperm: Evider Am. J. Hum. Genet.	ce That the Extra 59:1108-1113, T	Chromosome 21 he University of
	АТ	22	Grunstein, 93:325-326	M., "Yeast Ho B, Cell Press (	eterochromatin: Regulati (May 1998)	ion of Its Assembly a	and Inheritance by	Histones," <i>Cell</i>
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		Page 24 of 66
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FORM PTO-1449	FIRST NAMED INVENTOR	
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
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			Page 26 of 66
	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302	
FORM PTO-1449	FIRST NAMED INVENTOR		
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		Page 28 of 66
ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302	
FIRST NAMED INVENTOR		
Jenuwein et al.		
FILING DATE	ART UNIT	
February 9, 2004	1651	

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	АТ	28 8	Kaitna, S. segregation Septemb	on and efficien	o and an Aurora-like kina t completion of cytokines	ise form a complex e sis," <i>Curr. Biol. 10</i> :11	ssential for chro 72-1181, Elsevie	nosome r Science Ltd.
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FORM PTO-1449	FIRST NAMED INVENTOR		
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT	
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		Page 30 of 66
	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
FORM PTO-1449	FIRST NAMED INVENTOR Jenuwein et al.	
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FORM PTO-1449	FIRST NAMED INVENTOR	
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FORM PTO-1449	FIRST NAMED INVENTOR		
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	February 9, 2004	1651	

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		Page 34 of 66
	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
FORM PTO-1449	FIRST NAMED INVENTOR	
INFORMATION DISCLOSURE STATEMENT	Jenuwein et al. FILING DATE February 9, 2004	ART UNIT 1651

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		Page 35 of 66
	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
FORM PTO-1449	FIRST NAMED INVENTOR	
	Jenuwein et al.	
INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
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	AS 36 Losada, A., et al., "Identification of Xenopus SMC protein complexes required for sister chromatid cohesion," Genes & Dev. 12:1986-1997, Cold Spring Harbor Laboratory Press (July 1998)								r chromatid 198)
	AT  Martzen, M.R., et al., "A Biochemical Genomics Approach for Identifying Genes by the Activity of The Products," Science 286:1153-1155, American Association for the Advancement of Science (Novemb 1999)							Activity of Their ence (November	
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
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	Melcher, M., et al., "Structure-Function Analysis of SUV39H1 Reveals a Dominant Role in Heterochromatin Organization, Chromosome Segregation, and Mitotic Progression," Mol. Cell. Biol. 20:3728-3741, American Society for Microbiology (May 2000)								e in fol. Cell. Biol.
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	AT	40 N	loens, P. 74, Sprir	.B., "Histone nger-Verlag (	s H1 and H4 of surface-s November 1995)	spread meiotic ch	romoso	omes," Chromo	soma 104:169-
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
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	AS	43	Neuberger, 308, Macm	, M.S., <i>et al.</i> , illan Magazi	, "Recombinant antibo nes Ltd. (1984)	odies possessi	ng novel eff	ector functions,	' Nature 312:604
	AT	43	Nicholson, mammaliar	D.W., et al., n apoptosis,	"Identification and inl " Nature 376:37-43, N	hibition of the I lature Publishi	CE/CED-3   ng Compan	protease necess y (July 1995)	sary for
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			Page 44 of 66
	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302	
FORM PTO-1449	FIRST NAMED INVENTOR		
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
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	AS	148 I group	Rastelli, L., et al., "Related chromosome binding sites for zeste, suppressors of zeste and Polygroup proteins in Drosophila and their dependence on Enhancer of zeste function," EMBO J. 12:1513-1522, Oxford University Press (1993)						
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
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	AS	49	Rice, J.C regulation	C. and Allis, C.D on," <i>Curr. Opin</i> .	and Allis, C.D., "Histone methylation versus acetylation: new insights into epigenetic " Curr. Opin. Cell. Biol. 13:263-273, Elsevier Science Ltd. (June 2001)				
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FORM PTO-1449	FIRST NAMED INVENTOR	
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
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	AS	Sarubbi, E., et al., "A high throughput assay for inhibitors of HIV-1 protease. Screening of metabolites," FEBS 279:265-269, Elsevier Science Publishers B.V. (1991)						
	AT	<u>50</u>	Phospho	-Corsi, P., <i>et al.</i> rylation of Histo (August 1999)	, "Requirement for Rsk-2 fonce H3," <i>Science</i> 285:886-8	or Epidermal Growtl 891, American Asso	n Factor-Activate ciation for the A	ed dvancement of
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
FORM PTO-1449	FIRST NAMED INVENTOR	
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	AS	51	Schotta, modular	G. and Reuter P-element vec	r, G., "Controlled express tor system," <i>Mol. Gen.</i> G	sion of tagged pro Genet. 262:916-9	oteins in 120, Sprii	<i>Drosophila</i> us nger-Verlag (J	ing a new anuary 2000)
	АТ	<u>51</u>	Determin	, et al., "Lead nation of Pharr on Press (May	Development: Validation nacokinetic Parameters t 1996)	and Application for Enzyme Inhib	of High pitors," B	Throughput So ioorg. Med. Cl	creening for nem. 4:639-643,
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
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	AS	<u>52</u>	Solari, Inc. (19	A.J. "The Behav 74)	rior of the XY Pair in Man	nmals," Int. Rev. Cyto	i. 38:273-317, A	cademic Press,
	AT	<u>52</u>	1 type Dt	NA hindina dom	The <i>Drosophila trithorax</i> pain and an ancient conse vier Science Ireland Ltd.	(August 1995)	ner omornocom	
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
FORM PTO-1449	FIRST NAMED INVENTOR	
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT
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	AS	<u>53</u>		and Allis, C.D., ' Group (January 2	The language of covalent hist 2000)	one modificat	ions," <i>Nature 4</i>	03:41-45, Nature
	AT	<u>53</u>	transcription	, et al., "Methylal nally active nucle f Sciences (Dece	tion of histone H3 at lysine 4 is ii in <i>Tetrahymena</i> ," <i>Proc. Natl.</i> ember 1999)	s highly conse Acad. Sci. US	rved and correl SA 96:14967-14	ates with 1972, National
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FORM PTO-1449	FIRST NAMED INVENTOR		
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	AR	<u>54</u>	Sullivan, K.f	, <i>et al</i> ., "Hum	an CENP-A Contains a l he Centromere," <i>J. Cell</i>	Histone H3 Related I	Histone Fold Doi ne Rockefeller U	main That Is Iniversity Press
	AS	<u>54</u>	Histone Met	hyltransferase Chem. 276:25	Domain-containing Pro with Hyperactivity and S 309-25317, The America	Specific Selectivity to	Lysines 9 and 2	7 of Histone
	АТ	<u>54</u>	Taliani, M., o Transfer De	e <i>t al.</i> , "A Conti psipeptide Sub	nuous Assay of Hepatitu ostrates," <i>Anal. Biochem.</i>	s C Virus Protease E . 240:60-67, Academ	ased on Resonate Press (Augus	ance Energy t 1996)
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ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302	
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	AT	Turne compe	r, B.M., "Histone etence," <i>Cell. Mo.</i>	acetylation as an epigeneti I. Life Sci. 54:21-31, Birkhä	c determinant of lon user Verlag (Januar	g-term transcrip y 1998)	tional
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FORM PTO-1449	FIRST NAMED INVENTOR	
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	AS	<u>56</u>	Uhlman replicati	Uhlmann, F. and Nasmyth, K., "Cohesion between sister chromatids must be established during Dreplication," <i>Curr. Biol. 8</i> :1095-1101, Current Biology Ltd. (September 1998)					
	AT	<u>56</u>	Uhlmann, F., et al., "Sister-chromatid separation at anaphase onset is promoted by cleavage of the cohesin subunit Scc1," Nature 400:37-42, Nature Publishing Company (July 1999)						
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	AS	Vigil, P. and Bustos-Obregon, E., "Alkylating Agents and Mouse Spermatogenesis: Effects of a Sing Dose of Cyclophosphamide," <i>Andrologia 17</i> :276-282, Grosse-Verlag (1985)							
	AT	<u>57</u>	Waizenegg Prophase a	er, I.C., "Two and from Cent	Distinct Pathways Remoromeres in Anaphase," (	ove Mammalian Cohe Cell 103:399-410, Cel	sin from Chrom Press (Octobe	osome Arms in r 2000)	
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		Page 58 of 66
	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
FORM PTO-1449	FIRST NAMED INVENTOR	
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	AS	58 Seg	i, Y., et al., "Phosphoregation," Cell 97:99	orylation of Histone H3 Is 9-109, Cell Press (April 19	Required for Proper 0	Chromosome Co	ndensation and
	AT	58 Mai	rmoset (Callithrix jac	"Quantitative Analysis of chus) Reveals High Rate cy," <i>Biol. Reprod.</i> 64:120-	s of Spermatogonial T	urnover and Hig	ıh
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302	
FORM PTO-1449	FIRST NAMED INVENTOR		
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	AS	<u>59</u>	Working, I Health Pe	Working, P.K., "Male Reproductive Toxicology: Comparison of the Human to Animal Models," <i>Environ. Health Perspect.</i> 77:37-44, U.S. Department of Health and Human Services (1988)						
	AT	59	Wreggett, componer	K.A., et al., "A nt of constitutive	mammalian homologue of e heterochromatin," Cytog	f <i>Drosophila</i> heteroclenet. <i>Cell Genet</i> . 66	hromatin proteir 99-103, S. Karç	n 1 (HP1) is a ger AG (1994)		
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	ATTY. DOCKET NO. 0652.1670002/JUK/JCI	APPLICATION NO. 10/773,302
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	AT	60	Yoshida, k Synapsis	K., <i>et al.</i> , "The during Meiosis	Mouse RecA-like Gene D ," Mol. Cell 1:707-718, Ce	mc1 is Required for h	Homologous Ch	romosome
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FORM PTO-1449	FIRST NAMED INVENTOR		
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INFORMATION DISCLOSURE STATEMENT	FILING DATE	ART UNIT	
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	AS	<u>61</u>		Zhang, X., et al., "Pituitary Tumor Transforming Gene (PTTG) Expression in Pituitary Adenomas," J. Clin. Endocrin. Metab: 84:761-767, The Endocrine Society (February 1999)							
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	AR	<u>62</u>	Zimmerma Fluorogenio	n, M., <i>et al.</i> , "Ser c Substrates," <i>Ar</i>	nsitive Assays for Trypsin, Elas nal. Biochem. 78:47-51, Acade	stase, and emic Pres	d Chymotrypsin Us s, Inc. (1977)	ing New		
	AS	62	Transforma	Zou, H. et al., "Identification of a Vertebrate Sister-Chromatid Separation Inhibitor Involved in Transformation and Tumorigenesis," Science 285:418-422, American Association for the Advancement of Science (July 1999)						
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FORM PTO-1449	FIRST NAMED INVENTOR	
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		Page (	64 of 66
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